

REMARKS

Claims 1-36 are pending.

Claims 1-10 and 31-36 are withdrawn.

Claims 11 and 21 have been amended.

Drawing Objection

Figures 4b, 4c, 4d, and 4e elements 56, 57, 576, and 58 are objected to for failure to include a label.

Applicant has enclosed Replacement drawing sheets for Figures 4b-e which have been amended to include the omitted labels:

Figure 4b has been amended to add the description for 56.

Figure 4c has been amended to add the description for 57.

Figure 4d has been amended to add the description for 576.

Figure 4e has been amended to add the description for 58.

The text for each label was taken directly from the referenced block.

No new matter has been added.

Withdrawal of the objection is respectfully requested.

Specification Objection

The specification is objected to with a requirement to amend page 1 to include serial numbers and, if applicable, patent numbers. Page 9, line 21 has also been objected to.

The specification has been amended to include the serial number and filing date for the cross-referenced applications and to correct two minor grammatical informalities in the paragraph beginning on page 9, line 20.

No new matter has been added.

Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 11-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that “In claims 11 and 21 there is no antecedent basis for “the each leaf node” or for “all of the unique subsets that contain at least one of the items ...”.

Applicants respectfully submit that neither claim 11 nor claim 21 contain the phrase “the each leaf node”. The phrase “leaf node” is used in the phrase “means for establishing a search rule that comprises an aggregation of constraints specified by the leaf node ...” and antecedent basis is found in first element phrase “for each leaf node”.

The preamble has been amended to recite “from unique subsets, wherein each unique subset contains at least one item from a set of items”, thus providing antecedent basis for “the unique subsets that contain at least one of the items”.

Withdrawal of the rejections is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 11 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,933,599 issued to Nolan (referred to herein as “*Nolan*”). Applicant respectfully traverses the rejection.

Nolan relates to:

The on-line network access system of the present invention operates as an extension of a computer's operating system to provide a graphical interface which displays the offerings available in the on-line network. The organization of the offerings are displayed in a manner which is visually similar to the way the operating system displays the organization of the computer's local file system. Using multiple navigators, the system displays different user interfaces which correspond to different offerings on the on-line network. *Nolan*, Abstract.

Applicants respectfully submit that *Nolan* fails to anticipate the inventions of claims 11 and 21. The present invention of claims 11 and 21 relate to the generation of custom browse hierarchies from unique subsets of items. The claims have been amended to clarify the distinction of generation of the custom browse hierarchies using technology neither taught nor suggested by *Nolan* (or *Nolan* in combination with *Aggarwal*). More specifically, to generate the custom browse hierarchies the present invention uses search rules based upon constraints on nodes in a hierarchy. The constraints, search rule, and the use of an aggregation of constraints have been further clarified to clearly distinguish over the prior art of record.

Applicants respectfully submit that *Nolan* fails to teach or even suggest a “means for establishing a search rule that comprises an aggregation of constraints specified by the leaf node and all ancestor nodes of the leaf node.” Claim 11. Thus, the search rule comprises “an aggregation of constraints specified by the leaf node and all ancestor nodes of the leaf node, wherein the constraints of each node in the aggregation of constraints are logically ANDed together.” The Examiner states that *Nolan* teaches the “search rule (read as node properties 210) that comprises an aggregation of constraints specified by the leaf node and its ancestors (aggregation is read as the node name, flags etc. see col. 9, line 3-8 which also apply to ancestor or children nodes).” Although *Nolan* teaches that nodes have individual properties 210, *Nolan* fails to teach “establishing a search rule that comprises an aggregation of constraints specified by the leaf node and all ancestor nodes of the leaf node, wherein the constraints of each node in the aggregation of constraints are logically ANDed together.” Applicants respectfully submit that nodes having individual

properties and displayed together and/or simply stored together cannot be construed as “establishing a search rule” as required by claim 11.

Furthermore, because, for example, *Nolan* fails to teach the aggregation of constraints “wherein the constraints of each node in the aggregation of constraints are logically ANDed together” Applicants respectfully submit that *Nolan* cannot teach “means for identifying all of the unique subsets that contain at least one of the items meeting the aggregation of constraints” as required by claim 11. Furthermore, *Nolan* fails to teach that “each subset is associated with at least one rule, each rule specifies a set of one or more constraints, and each item that meets the constraints of at least one rule associated with a subset is contained in the subset.” Claim 11.

Applicants respectfully submit that nodes 204 of *Nolan* are not “leaf nodes”. ‘Leaf nodes’ have no child nodes by definition. Since *Nolan* fails to teach the means for establishing a search rule and means for identifying all of the unique subsets, as set forth in claim 11, *Nolan* also fails to teach “means for creating a custom browse hierarchy for each of the unique subsets, said means for creating further comprising means for retaining in the custom browse hierarchy only those leaf nodes, and the ancestor nodes of the leaf nodes, from the primary hierarchy for which at least one of the unique subsets has been identified by said identifying means.” Claim 11.

Applicants respectfully submit that claim 21 is allowable for at the same reasons as claim 11.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 11 and 21. Claims 17 and 27 depend upon claims 11 and 21, respectively, and are, thus, allowable for at least the same reasons as claims 11 and 21, respectively.

Claim Rejections - 35 U.S.C. § 103

Claims 11-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nolan* in view of U.S. Patent Application No. 2002/0138481 to Aggarwal et al. (referred to herein as “*Aggarwal*”). Applicants respectfully traverses the rejection.

Aggarwal teaches:

Searching online catalog databases by shoppers is improved by performing similarity searching on searches performed by the shopper, in conjunction with adjusting the similarity metric used during the search to interactively improve the relevance of the resulting search results to the shopper. This involves using relevance feedback and/or product redefinition to learn the "implied concept" of the shopper's stated product requirements; that is, the quality of the search results is enhanced through understanding the concept implied by the shopper's queries by, for example, learning from the product results marked as "relevant" or "irrelevant" by the shopper. This approach is in contrast with attempts to enhance search results using, for example, the shopper's past orders or previous actions, or the past orders or previous actions of other shoppers who may have a purchase history similar to that of the current shopper.
Aggarwal Abstract.


Applicants respectfully submit that *Nolan* and *Aggarwal* in combination fail to teach or suggest the invention of claims 11-30 because, for example, *Aggarwal* fails to provide the missing teachings of *Nolan* as applied to claims 11 and 21, and their dependents, as discussed above.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 11-30.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, Alexandria, VA 22313-1450, on July 11, 2005.

 7-11-05
Attorney for Applicant(s) Date of Signature

Respectfully submitted,



Kent B. Chambers
Attorney for Applicant(s)
Reg. No. 38,839